



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

_____[DATE STAMP, CENTER]

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Marvin Donius
33777 Valley Center Road
Valley Center, CA 92082
EPA Identification Number: CAD 981 421 233

Dear Mr. Donius:

On May 18, 2007, a hazardous waste compliance inspection was conducted by representatives of the United States Environmental Protection Agency ("EPA"), accompanied by a representative of the Rincon Luisano Band of Indians Environmental Department on your facility at 33777 Valley Center Road, Valley Center, California. This property has the EPA Identification Number CAD 981 421 233. During the course of this inspection, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended {42 U.S.C. § 6927(a)}.

A copy of the inspection report is enclosed for your information and response ("Enclosure"). The report describes conditions at the facility at the time of the inspection and identifies areas of noncompliance with RCRA regulations and potential violations of the State of California authorized program under RCRA Subtitle C and potential non-RCRA state violations. Any omissions in the report shall not be construed as a determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA {42 U.S.C. § 6928}, you are required to correct the identified areas of noncompliance and to submit documentation of their correction to the EPA:

- I. Remove the nineteen (19) 55-gallon containers located in the southeast section of the property (see attached photographs). Provide copies of the hazardous waste manifest(s).
- II. One or more of the above mentioned containers have resulted in the release of a substance that resembles used oil (see attached photograph). Excavate and remove all of the contaminated soil at the southeast end of the property. Provide analytical verification to both the EPA and the Rincon Luisano Band of Indians Environmental Department that all of the contaminated soil has been removed. Analytical verification is considered to be laboratory analyses of soil samples taken after the contaminated soil has been removed. These soil samples should not show any oil contamination.
- III. Remove all of the refrigeration units currently staged on the property (see attached photographs). Provide copies of the hazardous waste manifest(s) or shipping papers.

Documentation of your return to compliance may consist of, among other things, photographs, manifests, and revised records. Where compliance cannot be achieved within 30 calendar days, you must provide to the EPA the reasons for the delay, a description of each corrective action planned and a schedule on which each corrective action will be taken.

By copy of this letter, the EPA is providing the Rincon Luisaño Band of Indians with notice of the referenced violations of RCRA Subtitle C and any non-RCRA state violations. The Rincon Luisaño Band of Indians may notify the EPA of its intent to assume or decline responsibility to take appropriate action to resolve the referenced RCRA Subtitle C violations.

The EPA routinely provides copies of inspection reports to tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R. § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within 14 calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

Your certification of correction of the areas of noncompliance identified in this notice of violation must be included in a response letter signed by a duly authorized official of your facility. Your response, due 30 calendar days from the date of your receipt of this letter, shall be addressed to:

Cameron McDonald
Mailcode: WST-3
RCRA Enforcement Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

If you have questions related to the inspection report or this letter, please contact Cameron McDonald of my staff at (415) 972-3308.

Sincerely,

Loren Henning, Manager
RCRA Enforcement Office

Enclosure

cc (with enclosure):

Marvin Donius
410 Stanford Street
Watsonville, CA 95076

Kristie Orosco
Environmental Director
Rincon Luisaño Band of Indians
33750 Valley Center Road
P.O. Box 68
Valley Center, CA 92082